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PCT/KR2005/000932

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 02 AUG 2006	
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Applicant's or agent's file reference PO051006-PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/KR2005/000932	International filing date(day/month/year) 31 MARCH 2005 (31.03.2005)	Priority date (day/month/year) 31 MARCH 2004 (31.03.2004)
International Patent Classification (IPC) or national classification and IPC A61K 36/62(2006.01)i, A23L 1/29(2006.01)i, A61P 25/24(2006.01)i		
Applicant PURIMED CO., LTD. et al		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand 25 JANUARY 2006 (25.01.2006)	Date of completion of this report 14 JULY 2006 (14.07.2006)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer YEO, Ho Sup Telephone No. 82-42-481-5627 

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Box No. 1 Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☒ This report is based on translations from the original language into the following language English which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☒ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-6	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims	NONE	NO

2. Citations and explanations (Rule 70.7)

The present invention relates to the hot water extract of Nelumbinis Semen having an anti-depressive effect, and a composition comprising the same as an active ingredient for treating depression.

The following document has been considered for the purpose of this report :

D1 = KR 2003-0079104 A (10. 10. 2003)

1) Novelty

The cited document D1 discloses the aqueous alcohol extract of Nelumbinis Semen having an anti-depressive effect, and a composition comprising the same as an active ingredient for treating depression.

The only difference between the present invention and D1 is the extracting solvent. The subject-matter of claims 1-6 can be regarded as novel (PCT Article 33(2)), because D1 does not refer to the hot water as a solvent.

2) Inventive step

It is well known to the skilled person in the art that both the hot water extract and the aqueous alcohol extract contain almost the same chemical constituents.

(Continued on Supplemental Sheet.)

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Supplemental Box .

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V.

Nonetheless, the present application is found to satisfy the requirement of inventive step (PCT Article 33(3)) in view of the experimental results submitted by the applicants on 19. 05. 2006.

The applicants have supplied data showing that the hot water extract of the present invention has a little different chemical constituents and an improved pharmacological effect, compared with the aqueous alcohol extract described in D1.

It could not be easily foreseen from the cited document D1 that the hot water extract exhibits an enhanced pharmacological activity, compared with the aqueous alcohol extract.

Consequently, the subject-matter of claims 1-6 is considered to fulfil the requirement of inventive step (PCT Article 33(3)).

3) Industrial applicability

Claims 1-6 meet the criteria set out in PCT Article 33(4).